

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

**AGA Medical Corp.,**

Plaintiff/Counterclaim-Defendant,

**v.**

**W. L. Gore & Associates, Inc.,**

Defendant/Counterclaim-Plaintiff.

No. 0:10-cv-3734 (JNE/JSM)

**DECLARATION OF MATTHEW K.  
BLACKBURN AND EXHIBITS IN  
SUPPORT OF DEFENDANT AND  
COUNTERCLAIM-PLAINTIFF W.  
L. GORE & ASSOCIATES, INC.'S  
OPENING CLAIM  
CONSTRUCTION BRIEF**

1. I, Matthew K. Blackburn, am an attorney at the law firm of Locke Lord LLP and I represent Defendant and Counter-Claim Plaintiff, W.L. Gore & Associates, Inc. (“Gore”) in this action. I submit this Declaration in support of *Defendant And Counterclaim-Plaintiff W. L. Gore & Associates, Inc.’s Opening Claim Construction Brief*.

2. Attached hereto as Exhibit A is a true and correct copy of U.S. Patent Number 5,879,366 entitled *Self-Expanding Defect Closure Device and Method of Making and Using* and naming Edward E. Shaw, Nitin V. Salunke, and Gregory T. Mace as inventors.

3. Attached hereto as Exhibit B is a true and correct copy of U.S. Patent Number 6,080,182 entitled *Self-Expanding Defect Closure Device and Method of Making and Using* and naming Edward E. Shaw, Nitin V. Salunke, and Gregory T. Mace as inventors.

4. Attached hereto as Exhibit C is a true and correct copy of U.S. Patent

Number 6,171,329 entitled *Self-Expanding Defect Closure Device and Method of Making and Using* and naming Edward E. Shaw and Robert C. Farnan as inventors.

5. Attached hereto as Exhibit D is a true and correct copy of U.S. Patent Number 6,623,508 entitled *Self-Expanding Defect Closure Device and Method of Making and Using* and naming Edward E. Shaw and Robert C. Farnan as inventors.

6. Attached hereto as Exhibit E is a true and correct copy of the document produced in the above reference case at Bates numbers WLG01100056-7, which includes *Performing a Mechanical Ballet: HELEX septal occluder* (Medical Design Excellence Awards 2001).

7. Attached hereto as Exhibit F and filed **UNDER SEAL** is a true and correct copy of Plaintiff AGA Medical Corporation's Final Claim Chart, served February 6, 2012.

8. Attached hereto as Exhibit G and filed **UNDER SEAL** is a true and correct copy of Gore's Final Noninfringement Claim Chart, served February 23, 2012.

Pursuant to 28 U.S.C. § 1746, I hereby declare under penalty of perjury that the foregoing is true and correct.

Executed this 5th day of June, 2012.

/s/ Matthew K. Blackburn  
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Attorney for Defendant

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